

07-20-06

21w AF

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, Colorado 80527-2400

PATENT APPLICATION

ATTORNEY DOCKET NO. 10017331-1

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Richard P. Tarquini et al.
Application No.: 10/003,510
Filing Date: 10/31/2001

Confirmation No.: 7297
Examiner: Syed Zia
Group Art Unit: 2131

Title: METHOD AND COMPUTER-READABLE MEDIUM FOR INTEGRATING A DECODE ENGINE WITH AN INTRUSION DETECTION SYSTEM

Mail Stop Appeal Brief - Patents
Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF REPLY BRIEF

Transmitted herewith is the Reply Brief with respect to the Examiner's Answer mailed on May 19, 2006

This Reply Brief is being filed pursuant to 37 CFR 1.193(b) within two months of the date of the Examiner's Answer.

(Note: Extensions of time are not allowed under 37 CFR 1.136(a))

(Note: Failure to file a Reply Brief will result in dismissal of the Appeal as to the claims made subject to an expressly stated new ground rejection.)

No fee is required for filing of this Reply Brief.

If any fees are required please charge Deposit Account 08-2025.

☒ I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, Label No. EV 568241900US addressed to: Commissioner for Patents, Alexandria, VA 22313-1450 Date of Deposit: July 19, 2006

OR

☐ I hereby certify that this paper is being transmitted to the Patent and Trademark Office facsimile number (571) 273-8300. Date of facsimile:

Typed Name: Gail L. Miller
Signature: Gail L. Miller

Respectfully submitted,

Richard P. Tarquini et al.

By Jody C. Bishop
Jody C. Bishop

Attorney/Agent for Applicant(s)

Reg No. : 44,034

Date : July 19, 2006

Telephone : (214) 855-8007



HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, Colorado 80527-2400

Docket No.: 10017331-1
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Richard P. Tarquini et al.

Application No.: 10/003,510

Confirmation No.: 7297

Filed: October 31, 2001

Art Unit: 2154

For: METHOD AND COMPUTER-READABLE
MEDIUM FOR INTEGRATING A DECODE
ENGINE WITH AN INTRUSION DETECTION
SYSTEM

Examiner: D. A. C. Perez

REPLY BRIEF

MS Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

As required under § 41.41(a)(1), this Reply Brief is filed within two months of the Examiner's Answer dated May 19, 2006, and is in furtherance of the Amended Appeal Brief filed on February 23, 2006.

No fee is required for this REPLY BRIEF.

This brief contains items under the following headings pursuant to M.P.E.P. § 1208:

- | | |
|------|--|
| I. | Status of Claims |
| II | Ground of Rejection to be Reviewed on Appeal |
| III. | Argument |
| IV | Conclusion |

I. STATUS OF CLAIMS

The status of claims remains as identified in the Amended Appeal Brief submitted February 23, 2006, which is as follows:

A. Total Number of Claims in Application

There are 16 claims pending in application.

B. Current Status of Claims

1. Claims canceled: None
2. Claims withdrawn from consideration but not canceled: None
3. Claims pending: 1-16
4. Claims allowed: None
5. Claims rejected: 1-16

B. Claims On Appeal

The claims on appeal are claims 1-16

II. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claim 10 is rejected under 35 U.S.C. § 102(e) as being anticipated by *Porras et al.* (U.S. Patent No. 6,704,874, hereinafter *Porras*); and

Claims 1-9 and 11-16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Porras* in view of *Trcka et al.* (U.S. Patent No. 6,453,345, hereinafter *Trcka*).

III. ARGUMENT

Appellant respectfully traverses the outstanding claim rejections and requests that the Board reverse those rejections in light of the remarks presented below. Appellant hereby reasserts those arguments that are presented for the separately argued claims in the Amended Appeal Brief. For brevity, however, Appellant does not repeat those arguments herein and submits the following supplemental remarks in reply to the Examiner's Answer.

A. Rejection of Claims 1-9 Under 35 U.S.C. § 103(a)

The Examiner has rejected claims 1-9 under 35 U.S.C. § 103(a) as being unpatentable over *Porras* in view of *Trcka*. Final Office Action, page 5. In response, Appellant has shown that independent claim 1 recites elements that are not taught or suggested by the combination of *Porras* with *Trcka*. See e.g., Amended Appeal Brief, pages 4-7.

For instance, claim 1 recites, in part, a “decode engine integrated within [an] intrusion detection application” (emphasis added). The Examiner has relied upon *Porras*’s “translation module 32” and “security and fault monitoring system 22” as meeting the claimed “decode engine” and “intrusion detection application,” respectively. See Examiner’s Answer, page 4. However, *Porras*’s security and fault monitoring system 22 is separate and apart from *Porras*’s translation module 32. See e.g., *Porras*, col. 3, lns. 15-30 and 65-58; figure 1. In fact, *Porras* expressly teaches that items 22 and 32 are linked via secured electronic communication line 30 and that, as such, they are separate entities. *Porras*, col. 3, lns. 65-58. Therefore, *Porras*’s translation module 32 is not integrated within security and fault monitoring system 22, as recited by claim 1. Appellant further notes that *Trcka* is not relied upon as teaching or suggesting this limitation, nor does it do so.

The Examiner had an opportunity to rebut these arguments in the Examiner’s Answer. In fact, the Manual of Patent Examining Procedure specifically requires that:

[f]or each rejection under 35 U.S.C. 102 or 103 where there are questions as to how limitations in the claims correspond to features in the prior art . . . the examiner must compare at least one of the rejected claims feature by feature with the prior art relied on in the rejection. The comparison must align the language of the claim side-by-side with a reference to the specific page, line number, drawing reference number, and quotation from the prior art, as appropriate.

M.P.E.P. § 1207.02(A)(9)(e) (emphasis added). Nonetheless, the Examiner’s Answer did not point to any section of *Porras* or *Trcka* that teaches or suggests a decode engine integrated within intrusion detection application, as recited by claim 1. See Examiner’s Answer, page 4.

Therefore, the rejection of claim 1 should be overturned for at least the above reasons. Claims 2-9 depend upon claim 1 and are patentable at least for the same reasons. Accordingly, Appellant respectfully reasserts that claims 1-9 are patentable over the

rejections of record at least for the reasons presented above and in the Amended Appeal Brief.

B. Rejection of Claim 10 Under 35 U.S.C. § 102

The Examiner has rejected claim 10 under 35 U.S.C. § 102(e) as being unpatentable over *Porras*. Final Office Action, page 5. In response, Appellant has shown that independent claim 10 recites elements that are not taught or suggested by *Porras*. See e.g., Amended Appeal Brief, pages 7 and 8.

For instance, claim 10 recites, in part, a “decoding, by [an] intrusion detection application, [] intrusion-related data” (emphasis added). The Examiner has relied upon *Porras*’ “security and fault monitoring system 22” as meeting the claimed intrusion detection application. See Examiner’s Answer, page 3. The Examiner then relies upon “translation module 32” as being able to decode intrusion-related data. *Id.* Thus, the Examiner’s rejection on its face fails to establish that *Porras* teaches decoding intrusion-related data by an intrusion detection application. That is, the Examiner fails to even assert that the decoding of *Porras* is performed by the element that the Examiner asserts to meet the claimed intrusion detection application (i.e., *Porras*’ security and fault monitoring system 22). Instead, the Examiner’s rejection apparently ignores the express recitation in the claim that the decoding is by an intrusion detection application, and the Examiner asserts that one element of *Porras* (i.e., security and fault monitoring system 22) is an intrusion detection application and relies upon a completely separate element of *Porras* (i.e., translation module 32) as performing the recited decoding. While Appellant does not concede the accuracy of the Examiner’s assertion that the relied-upon elements of *Porras* indeed satisfy the respective portions of the claim (i.e., irrespective of whether the security and fault monitoring system 22 of *Porras* satisfies the recited intrusion detection application, and whether the translation module 32 of *Porras* performs the recited decoding), irrespective of the accuracy of such assertion, the rejection fails on its face to establish the express recitation in the claim that the decoding is performed by an intrusion detection application.

In view of the above, *Porras* does not teach or suggest decoding by an intrusion detection application, as recited by claim 10. Again, the Examiner had an opportunity to rebut these arguments in the Examiner’s Answer. However, the Examiner did not identify

any section of *Porras* that teaches or suggests the decoding of intrusion-related data by an intrusion detection application, as recited by claim 10. See Examiner's Answer, page 3. Rather, the Examiner's Answer continued to ignore the express recitation in the claim that the decoding is by an intrusion detection application, and relied upon completely separate elements of *Porras* as satisfying the intrusion detection application and as performing the decoding. Thus, the rejection continues to be improper on its face. Accordingly, Appellant respectfully reasserts that the rejection claim 10 should be overturned.

C. Rejection of Claims 11-16 Under 35 U.S.C. § 103(a)

The Examiner has rejected claims 11-16 under 35 U.S.C. § 103(a) as being unpatentable over *Porras* in view of *Trcka*. Final Office Action, page 5. In response, Appellant has shown that independent claim 10 recites elements that are not taught or suggested by *Porras*. See e.g., Amended Appeal Brief, pages 7 and 8. The Examiner has not relied upon *Trcka* as teaching or suggesting those limitations, and Appellant respectfully asserts that *Trcka* does not meet such limitations. Therefore, the combination of *Porras* with *Trcka* does not teach or suggest every element of claim 10. Claims 11-16 depend upon claim 10 and are patentable at least for the same reasons. Accordingly, Appellant respectfully reasserts that claims 11-16 are patentable over the rejections of record at least for the reasons presented in the Amended Appeal Brief.

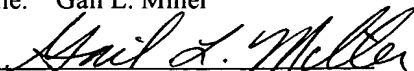
IV. CONCLUSION

Appellant respectfully requests that the Board overturn the rejections of pending claims 1-16 for the above reasons.

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, Label No. EV 568241900US in an envelope addressed to: M/S Appeal Brief-Patents, Commissioner for Patents, Alexandria, VA 22313.

Date of Deposit: July 19, 2006

Typed Name: Gail L. Miller

Signature: 

Respectfully submitted,

By: 

Jody C. Bishop
Attorney/Agent for Applicant(s)
Reg. No. 44,034
Date: July 19, 2006
Telephone No. (214) 855-8007